IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Crl.MC.No. 353 of 2007()

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CRIME NO.333 OF 2005 OF ALATHUR POLICE STATION

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PETITIONER: ACCUSED:

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SHYAM, S/O. SASI, AGED 21,
PALLIKKARA VEEDU, OZHAGATTUKARA,
THRISSUR DISTRICT.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS:

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STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
(CRIME NO.333/2005 OF ALATHUR POLICE STATION.)

BY PUBLIC PROSECUTOR S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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Crl.M.C.No.353 of 2007

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Dated this the 28th day of February 2007

**O R D E R**

The petitioner is the tenth accused in a crime registered interalia under Section 302 read with 149 I.P.C. The petitioner, along with the co-accused were released on bail subject to conditions by order of the learned Sessions Judge. A copy of the order is produced as Annexure-I. Bail was granted subject to conditions interalia that the petitioner must report before the investigating officer on all Mondays and Thursdays between 10 a.m and 1 p.m till final report is filed or for six months whichever is later. The petitioner complied with the conditions for sometime but later, did not comply with the conditions. The bail granted to him was cancelled by the learned Sessions Judge and the petitioner challenged that order in Crl.R.P.No.4360/2006. The order canceling bail was set aside by another bench of this court, as per order dated 12/12/2006 in that Crl.R.P. The petitioner, now submits that the investigation is not yet complete. Final report has not been filed. He has been complying with the conditions from 21/11/2005. He prays that

the said condition obliging him to report before the investigating officer may now be deleted. The learned counsel for the petitioner submits that assuming that the condition is to be complied with till the final report is filed or for six months, whichever is earlier, there was an omission on his part not to appear before the investigating officer and on that reason, the bail was cancelled earlier but that cancellation was set aside by this court.

2. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the petitioner is one who has violated the condition already once. The offence is under Section 302 I.P.C also. Investigation is not complete. In these circumstances, the conditions may not be deleted now, prays the learned Public Prosecutor. Having considered all the relevant inputs, I am satisfied that though it is too early to delete the conditions altogether, the said condition imposed can now be modified. The petitioner can succeed only to the above extent.

3. In the result, this Criminal Miscellaneous Case is allowed in part. The said condition shall stand modified and it is directed that the petitioner must report before the investigating officer between 9 a.m and 10 a.m on the first Mondays of all English calendar months.

**(R.BASANT, JUDGE)**

jsr

**R.BASANT, J**

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006